

**MEMO ENDORSED**

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July 7, 2020

By ECF

Honorable Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re:     *United States v. Patrick Avila***  
**19 Cr. 166 (VEC)**

I write to renew my application to adjourn the sentence in this matter currently scheduled for July 30, 2020, until the second week of September at a date and time convenient to the Court. The government consents to this application.

This request is occasioned by the impact of the COVID-19 pandemic on my ability to have meaningful and confidential discussions with Mr. Avila in preparation for his sentence, and his desire to be physically present at his sentence hearing, accompanied by family members. For the past several months I have only been able to correspond with Mr. Avila and converse with him via video link. Mr. Avila is in an open setting when we talk and inmates and correctional officers are in close proximity, preventing privacy. Although legal visits have resumed by appointment, through my informal canvas of members of the defense bar, I have only learned of one attorney who has visited during the COVID-19 lock-down and that attorney believes she may have contacted COVID-19 from her visit.

I am in an at-risk group due to my age and a pre-existing medical condition, and do not feel safe at this time conducting a legal visit when new COVID-19 cases are being reported daily in our local jails. My hope is that if this request is granted, the passage of time may alleviate my concerns, or at a minimum permit Mr. Avila to physically stand for sentence.

Application GRANTED. Sentencing for Mr. Avila is adjourned to September 24, 2020, at 2:30 p.m. The parties' sentencing submissions are due no later than September 10, 2020.

SO ORDERED.



7/8/2020

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

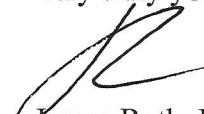
Hon. Valerie E. Caproni

7/7/2010

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Your attention to this matter is appreciated.

Very truly yours,



James Roth, Esq.

cc: AUSA Jamie Bagliebter